

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JERAL DURANT HENDERSON,

Plaintiff,

v.

**CLAIBORNE PARISH DETENTION
CENTER,**

Defendant.

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Civil Action No. **3:22-CV-2801-L-BN**

ORDER

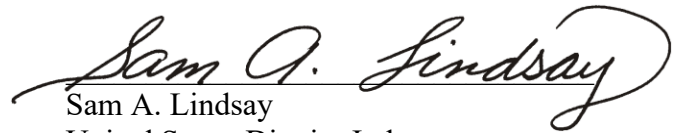
On April 5, 2023, The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered. Instead of recommending that this action be transferred where venue is proper, the Report recommends that the action be dismissed without prejudice under 28 U.S.C. § 1406(a) because the interest of justice would not be served by transferring Plaintiff’s pro se claims that consist of a random assortment of unrelated documents and conclusory allegations that his rights were violated during a judicial proceeding in Louisiana. No objections to the Report were filed as of the date of this order, and the deadline for filing objections has expired.

Having considered the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action for improper venue under 28 U.S.C. § 1406(a).

The court prospectively **certifies** that any appeal of this action by Plaintiff would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197,

202 and n.21 (5th Cir. 1997). Based on the Report, the court concludes that any appeal of this action by Plaintiff would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 18th day of May, 2023.


Sam A. Lindsay
United States District Judge